Artesian Water Company 🛕 Artesian Wastewater Management 🛕 Artesian Utility Development 🛕 Artesian Water Maryland

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100 YEARS OF SUPERIOR SERVICE

2009 JUN 23 AM 10: 51

DELAWARE

June 23, 2009

LeFeisha Williamson **Public Service Commission** 861 Silver Lake Blvd, Cannon Bldg. Suite 100 Dover, DE 19904

Dear Ms. Williamson:

Enclosed are 4 complete copies and 7 applications excluding exhibits of a Wastewater CPCN Application for Carter Farm and Country Club Estates in New Castle County.

Please contact me at (302) 453-6912 if you have any questions regarding this Application.

Sincerely,

Chief Financial Officer & Treasurer



Carter Farm and Country Club Estates Ex A and C

## APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED TO BEGIN OR EXPAND THE BUSINESS OF A PUBLIC WASTEWATER UTILITY

#### BEFORE THE PUBLIC SERVICE COMMISSION

This form of application must be filed for each new or expanding water system pursuant to 26 <u>Del. C.</u> §203D(d).

#### **WASTEWATER UTILITIES:**

- 1. Basis for application:
  - a. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C. § 203D(d)(1)); or
  - \_X\_b. The applicant is in possession of a petition signed by a majority of the parcel owners of the proposed territory to be served (26 <u>Del. C.</u> § 203D(d)(2)); or See Exhibit A
  - c. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served (26 <u>Del. C.</u> § 203D(d)(3)).
  - 2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate wastewater service to customers.
  - 3. Artesian Wastewater Management, Inc. requests an informal fact finding procedure during review of the application.
  - 4. (a) Full legal name and address of the Applicant:

## <u>ARTESIAN WASTEWATER MANAGEMENT, INC.</u> 664 CHURCHMANS ROAD NEWARK, DE 19702

- (b) Full name of the Utility's designated representative: **DAVID B. SPACHT**
- (c) Phone No.: (302) 453-6912
- (d) Fax No.: (302) 453-6980

- 5. Supporting documentation required by 26 <u>Del. C.</u> § 203E(1), including evidence that all landowners of the proposed territory have been notified of the application: See Exhibit B
- **6.** A complete list of county tax map parcel number(s) for the area covered by the Application:

#### See Exhibit A

7. A complete list of tax map numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area:

#### See Exhibit C

- 8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 <u>Del. C.</u> §403C, including:
  - (a) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable wastewater treatment standards; and
  - (b) The Applicant is not subject to any Order issued by the Commission finding that Artesian Wastewater Management, Inc. has materially failed to provide adequate or proper safe wastewater services to existing customers.
- 9. As shown in Exhibit A, a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permitting Applicant to provide them with public wastewater services.
  - (a) A copy of the Application was sent to the Department of Public Health and Department of Natural Resources on or about June 23, 2009.
    - 1) The current status of such Application is: En route via mail
  - (b) The Applicant provides the following additional information with this Application:
  - 1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers are currently on file with the PSC;
  - 2) A chart, which depicts the inter-company relationships is currently on file with the PSC;
  - 3) A map identifying all areas, including all towns, cities, counties, and other government subdivisions to which service is already provided;

- 4) All copies of Applicant's annual reports to stockholders, and that of its subsidiaries, and parent for the last two years are currently on file with the PSC;
- 5) Applicant's audited financial statements, 10K's, and all proxy material for the last two years are currently on file with the PSC; and
- 6) Any additional information required by the PSC Staff will be made available on request.

Respectfully Submitted,

David B. Spacht

Artesian Wastewater Management, Inc.

664 Churchmans Road

Newark, DE 19702

Telephone: (302) 453-6900 Facsimile: (302) 453-6957

## Certification of Landowner Information Accuracy

I certify that I have examined and reviewed the tax records of New Castle County and that on April 15, 2009, the following listed persons are identified by those records as being the "landowners of record" (as defined by 26 Del. C. S203C(j)) of the following listed parcels:

See Attached Exhibit A

Alan L. Fleetwood CPCN Coordinator

## **EXHIBIT A**

# Carter Farm and Country Club Estates Wastewater Exhibits A and C

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## **Artesian Wastewater Management Wastewater Service Petition**

We the undersigned, request to be included in the wastewater service territory of Artesian Wastewater Management, Inc. for the following property in New Castle County, Delaware.

Parcel Nos.:	11-061.00-001	
	11-057.00-010	
	11-057.00-012	
	11-061.00-005 through -008	8
Property Description:	Misc A/C New Castle Cour	nty
Property Owner(s):	Carter Farm LLC	
Signature:	Title: AUTHORIZED	SIGNATURE 4/24/0
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Return to Artesian Wastewater Management, Inc. 664 Churchmans Road Newark, DE 19702

## Artesian Wastewater Management Wastewater Service Petition

We the undersigned, request to be included in the wastewater service territory of Artesian Wastewater Management, Inc. for the following property in New Castle County, Delaware.

Parcel Nos.: Property Description: Property Owner(s):	13-011.00-001 Misc A/C New Castle County Bethel Associates LLC	
Signature:	Title:	Date: 3 24/09_
Ci-matawa)	Title:	Date:

Return to Artesian Wastewater Management, Inc. 664 Churchmans Road Newark, DE 19702

## Artesian Wastewater Management Wastewater Service Petition

We the undersigned, request to be included in the wastewater service territory of Artesian Wastewater Management, Inc. for the following property in New Castle County, Delaware.

Delaware.		
Parcel Nos.:	13-011.10-008 thru -027 and -107 13-011.20-190 thru -203 13-011.40-102 thru -105	
Property Description: Property Owner(s):	Misc A/C New Castle County Feucht LLC	
Signature:	Title:	Date: 3 24 09
Cignotyra	Title:	Date:

Return to Artesian Wastewater Management, Inc. 664 Churchmans Road Newark, DE 19702

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We the undersigned, request to be included in the wastewater service territory of Artesian Wastewater Management, Inc. for the following property in New Castle County, Delaware.

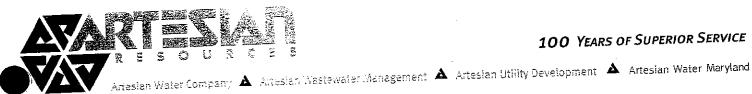
13-011.30-001 thru -049

	-13-011.10-028 thru -053 -13-011.40-106 and -107 13-011.40-100 and -101 13-011.00-162	1
Property Description: Property Owner(s):	Misc A/C New Castle County MFT, Inc. Trustee	
Signature:	Title:	Date: <u>March 24,20</u> 09
Sionature:	Title:	Date:

Return to Artesian Wastewater Management, Inc. 664 Churchmans Road Newark, DE 19702

Parcel Nos.:

## **EXHIBIT B**



May 11, 2009

Carter Farm LLC 1300 North Grant Avenue, Suite 200 Wilmington, DE 19806

Re: Tax Parcels 1106100001, 1105700010, 1105700012,1106100005 thru -008

To Whom It May Concern:

We recently received a request from you for Artesian Wastewater Management, Inc. to provide wastewater service to your property in New Castle County.

In order to provide your area with public wastewater service, Artesian must file for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC). Attached is information we are required to provide to all landowners within the proposed service territory prior to filing the CPCN Application.

The CPCN, when granted, will allow Artesian to be the public wastewater service provider for your area. You are not obligated to connect to the public wastewater system when it becomes available.

Under the law, the Public Service Commission is obligated to grant a CPCN to a utility to provide wastewater services if a majority of the landowners in a proposed service area have requested the utility's wastewater services. This means that even if you have not signed a request for the utility's wastewater services, your property may be included in the utility's service area if more than half of the landowners have made such requests. If you want your property included in the service territory, even though you did not sign a request for the utility's wastewater services, then you need not take any further action. However, If you do not want your property included in the utility's proposed service territory or if you oppose the utility providing services in the area, then you must do something under one or more of the attached options within 60 days.

Artesian provides excellent customer service. A recent survey of our current customers showed that 96% of our customers, if given the choice, would choose Artesian again.

If we can be of any further assistance to you, please feel free to contact me at 1-800-332-5114 or (302) 453-6983.

Sincerely.

Alan L. Fleetwood

Alan L. Fleetwood **CPCN** Coordinator

## LANDOWNER NOTIFICATION

In accordance with Delaware law and regulations of the Delaware Public Service Commission, the applicant, Artesian Wastewater Management, Inc., must show evidence that all landowners of the proposed territory have been notified by certified mail or its' equivalent of the filing of the Application.

- "(1) Pursuant to Title 26, §203D(d)(2) of the Delaware Code, an Application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about June 11. Your property has been included within an area Artesian Wastewater Management, Inc. intends to serve with public wastewater and we are required to inform you of certain information. The area to be served is Carter Farm and Country Club Estates. \*\*\*If you agree to the inclusion of your property in the proposed service area, no action on your part is required. Inclusion of your property in a CPCN area does not obligate you to connect immediately to our system; however, should your existing system fail and public wastewater services are deemed to be legally and publicly available, you may then be required to connect.
  - (2) Under Delaware law, the Public Service Commission cannot grant a CPCN to Artesian Wastewater Management, Inc., if a majority of the landowners in the proposed wastewater service area object to the issuance of the CPCN. If you object to the issuance of a CPCN for the proposed area that includes your property, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.
  - (3) You may also request a public hearing on this matter. The purposed of the public hearing will be to demonstrate why it would not be in the public interest for the Commission to grant Artesian Wastewater Management, Inc., a CPCN to provide wastewater services to the proposed area. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
  - (4) The written notice of your decision to object to the issuance of the CPCN, or your written request for a public hearing, should be sent to the Secretary of the Delaware Public Service Commission at the address listed below.
  - (5) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above, your tax parcel identification number, and the name of the applicant so the Commission will be able to identify the CPCN Application to which your notice is related.
  - (6) Questions regarding objections, opt-outs, and hearings may be directed to:

Secretary
Delaware Public Service Commission
861 Silver Lake Blvd.
Cannon Building, Suite 100
Dover, DE 19904



Artesian Water Company 🛕 Artesian Wastewater Management 🛕 Artesian Utility Development 🛕 Artesian Water Maryland

May 1, 2009

Bethel Associates LLC 2044 Sunset Lake Road Newark, DE 19702

Re: Tax Parcels 13-011.00-001

To Whom It May Concern:

We recently received a request from you for Artesian Wastewater Management, Inc. to provide wastewater service to your property in New Castle County.

In order to provide your area with public wastewater service, Artesian must file for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC). Attached is information we are required to provide to all landowners within the proposed service territory prior to filing the CPCN Application.

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Alan L. Fleetwood

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  - (18) You may also request a public hearing on this matter. The purposed of the public hearing will be to demonstrate why it would not be in the public interest for the Commission to grant Artesian Wastewater Management, Inc., a CPCN to provide wastewater services to the proposed area. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
  - (19) The written notice of your decision to object to the issuance of the CPCN, or your written request for a public hearing, should be sent to the Secretary of the Delaware Public Service Commission at the address listed below.
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May 1, 2009

Feucht LLC 2044 Sunset Lake Road Newark, DE 19702

Re: Tax Parcels 13-011.10-008 thru -027 and -107, 13-011.20-190 thru -203, and 13-011.40-102 thru -105

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Artesian Water Company 🛕 Artesian Wastewater Management 🛕 Artesian Utility Development 🛕 Artesian Water Maryland

May 1, 2009

MFT Inc Trustee 2044 Sunset Lake Road Newark, DE 19702

Re: Tax Parcels 13-011.30-001 thru -049, 13-011.10-028 thru -053, 13-011.40-106 and -107, 13-011.40-100 and -101 and 13-011.00-162

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Alan L. Fleetwood

Alan L. Fleetwood CPCN Coordinator

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Secretary
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Cannon Building, Suite 100
Dover, DE 19904

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Carter Farm LLC	A. Signature  X
1300 N. Great. Are. Suite 200 Wilmington DE 19 606	3. Service Type  Certified Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.
	4. Restricted Delivery? (Extra Fee) ☐ Yes
(Transfer from service label)	102595-02-M-1540

PS Form 3811, February 2004

Domestic Return Receipt

Bothel Associates Lice

2044 Senset Lake Rd

Newark DE 19702

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Bother Associates LLC  ZOYY Synset Lake Road	A. Signature    Agent   Addressee
Newark DE 1970Z	3. Service Type    Service Type   Express Mail   Express Mail     Registered   Return Receipt for Merchandise   C.O.D.
	4. Restricted Delivery? (Extra Fee)
2. Article Number  (Transfer from service label)  7005 18	20 0002 2820 9053

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

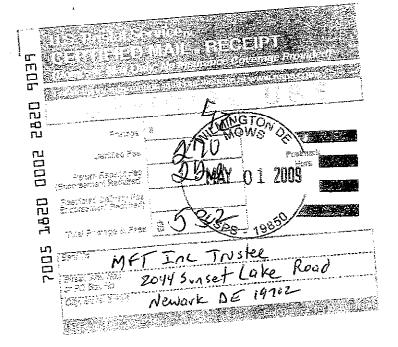
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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  ■ Print your name and address on the reverse so that we can return the card to you.  ■ Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Feuch LLC  Z044 Sunset Lake Rd	A. Signature  X Church (Peru) Agent Addressee  B. Received by (Printed Name) C. Date of Delivery  D. Is delivery address different from Item 1? Yes If YES, enter delivery address below: No
Newark, DE 1970Z	3. Service Type  Contified Mail
	4. Restricted Delivery? (Extra Fee)
2. Article Number 7005 182	0 0002 2820 9046

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the revers so that we can return the card to you.</li> <li>Attach this card to the back of the mailpie or on the front if space permits.</li> <li>1. Article Addressed to:</li> <li>MFT Inc. Trustee</li> <li>ZO44 Sunset Lake Rd</li> </ul>	se	A. Signature  X. Quant
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Article Number     (Transfer from service label)	005	1820 0002 2820 9039
PS Form 3811 February 2004	Domestic	Return Receipt 102595-02-M-1540

PS Form 3811, February 2004

## **EXHIBIT C**

# Carter Farm and Country Club Estates Wastewater Exhibits A and C

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## **MAPS**

# SEE ORIGINALS INDOCKET